

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**NOREEN SALAZAR, Individually, and as  
Wrongful Death Personal Representative of  
THE ESTATE OF JOSEPH PORTILLO,**

**Plaintiff,**

**v.**

**No. 12cv0053 MV/LAM**

**GINA BOCANEGRA, et al.,**

**Defendants.**

**ORDER DENYING WITHOUT PREJUDICE MOTION FOR  
WITHDRAWAL AND SUBSTITUTION OF COUNSEL**

**THIS MATTER** comes before the Court on Defendants' *Motion for Withdrawal and Substitution of Counsel* (*Doc.65*), filed May 18, 2012. The motion asks the Court to allow the withdrawal of Lance Richards and his law firm as counsel for Defendant Gina Bocanegra, and asks for 21 days for Defendant Bocanegra to find substitute counsel. The motion states that counsel for Plaintiff and Defendant Desert Trailer<sup>1</sup> oppose the motion. On May 17, 2012, the Court denied a similar motion filed by Mr. Richards for failing to comply with the Court's rules and administrative procedures. [*Doc. 54*]. Having considered the motion, record of the case, and relevant law, the Court **FINDS** that this motion is again not well-taken and shall be **DENIED without prejudice** because it again fails to comply with the Court's local rules.

As explained both in Local Rule 83.8, and in the Court's order regarding Mr. Richards' previous motion to withdraw and substitute counsel for Defendant Bocanegra [*Doc. 54*], a motion

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<sup>1</sup>The Court again notes that at this time, Mr. Richards is counsel for Defendant Desert Trailer. *See* [*Doc. 59*] (opposed motion for substitution of counsel for Defendant Desert Trailer). Until the motion for substitution of counsel for Defendant Desert Trailer is resolved, Mr. Richards remains as counsel of record for Defendant Desert Trailer.

to withdraw as counsel must indicate both consent of the client *and* either (1) notice of appointment of a substitute attorney, (2) or a statement of the client's intention to appear *pro se* and the client's address and telephone number. *See* D.N.M. LR-Civ. 83.8 and [*Doc. 54* at 2]. This motion fails to notice the appointment of a substitute attorney for Defendant Bocanegra, or her intention to appear *pro se*, and instead, asks for "21 days for the substitution of counsel on behalf of Defendant Bocanegra." [*Doc. 65* at 1]. Defendant Bocanegra cannot be left without counsel for 21 days for the obvious reasons that her interests will not be protected or represented in discovery or other matters, and she will not be notified of hearings or of documents filed in this case. If Defendant Bocanegra wishes to proceed *pro se* for those 21 days, Mr. Richards must comply with the rules and provide notification of this intent and provide the Court with Defendant Bocanegra's address and telephone number so that she can continue to receive notices of all pleadings filed in her case.

**IT IS THEREFORE ORDERED** that, for the reasons stated above, Defendants' *Motion for Withdrawal and Substitution of Counsel* (*Doc.65*) is **DENIED without prejudice**.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**